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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,717	03/27/2000	Pankaj K. Jha	0325.00344	4069

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EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 07/30/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/535,717

Applicant(s)

JHA, PANKAJ K.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,10-13 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5-9,15 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: Claim 15 depends from canceled claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 10-13, 17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Galand et al., U.S. Patent 6,317,433, hereinafter Galand.
4. Referring to claims 1 and 17, Galand teaches a method and system for optimizing transmission link bandwidth occupation in high speed digital networks including in figure 8 a header section having a plurality of identification portions (VPI/VCI) and a header error portion (HEC), a label portion located before the header error portion (SRH, CNTL and GFC) and a payload error portion (CRC8) (column 7, lines 39-54).
5. Referring to claim 4 and 19, Galand teaches the apparatus as shown in reference to claim 1 above and also teaches that the HEC is for Header Error Control (abstract) and the CRC8 is added for validity checking of the "ATM" cell (payload) (column 7, lines 52-54).

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6. Referring to claim 10, Galand teaches the apparatus as shown in reference to claim 1 above where it was shown in figure 8 that the packet contains a payload.
7. Referring to claim 11, Galand teaches the apparatus as shown in reference to claim 1 above and in figure 8 teaches a VPI/VCI of the ATM packet (address portion configured to store an address).
8. Referring to claim 12, Galand teaches the apparatus as shown in reference to claim 1 above and in figure 8 teaches associated control data (CNTL) (control word).
9. Referring to claim 13, Galand teaches the apparatus as shown in reference to claim 1 above and in figure 8 teaches VPI/VCI which will identify the destination node.
10. Referring to claim 20, Galand teaches the apparatus as shown in reference to claim 17 above and also teaches that the first function is meant to check integrity of the received packet header and in case of integrity mismatch, the packet is discarded (column 7, lines 24-26).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galand in view of Kawasaki, U.S. Patent 5,958,069, hereinafter Kawasaki.
13. Galand teaches the apparatus and method described in reference to claims 1 and 17 above with the possible exception that the network could be SONET, SDH or fiber optic. Kawasaki

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teaches a SONET terminal/ATM converter that extracts and ATM cell and converts the cell to the cell format within the switch by achieving cell synchronization from the payload of a SONET frame using an HEC byte (column 7, lines 30-33). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the teachings of Kawasaki could be applied to the teachings of Galand in order to enable interaction between an ATM network and a SONET network, which runs over a fiber optic network.

Allowable Subject Matter

14. Claims 5-9 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
15. Claim 16 is allowed.

Response to Arguments

16. Applicant's arguments with respect to claims 1, 3-13 and 15-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 703-305-6531. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
22 July 2004



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

7/23/04